

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number 09-20403-BC
Honorable Thomas L. Ludington

v.

D-3 JOSEPH DALE BRAXTON,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY AS TO A LESSER INCLUDED OFFENSE OF
COUNT ONE OF THE SECOND SUPERSEDING INDICTMENT, AND TAKING THE
RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on May 19, 2010, by United States Magistrate Judge Charles E. Binder pursuant to the defendant's consent. Judge Binder issued his report on May 19, 2010, recommending that this Court accept the defendant's plea of guilty as to a lesser included offense of count one of the second superseding indictment. As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The election to not file objections to the report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the report and recommendation [Dkt. # 64] is **ADOPTED**.

It is further **ORDERED** that the defendant's plea of guilty as to a lesser included offense of count one of the second superseding indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 61] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 28, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 28, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS